

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): de Wit	
Application No.: 10/661,444	
Filed: 9/12/2003	Group Art Unit: 1772
Title: Pressurized Containers and Method for Making Thereof	Examiner: Paul A. Wartalowicz
Attorney Docket No.: GEPL-P-128	Confirmation No: 7822
Customer No.: 021121	

DECLARATION UNDER RULE 132

I, Gerrit De Wit, hereby declare as follows:

1. I am the named inventor of the above-captioned application. As such, I am familiar with the application, including the claims.
2. I have reviewed the Official Action mailed August 9, 2005 in which the Examiner cites US Patent No. 4,421,804 of Mori et al ("Mori") and US Patent No. 4,892,763 of Duse ("Duse").
3. The containers of the present invention are different from those of Mori and Duse. First, as would be apparent to a person skilled in the art from the methods described in ¶ 029-033 in my application, the containers of the present invention are not biaxially oriented. Because of this, the problems attributed by Duse to use of high fiber levels in biaxially oriented polyesters are not observed.

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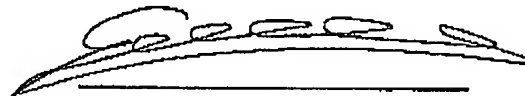
4. I have found that in non-oriented polycarbonate, at the higher levels of fibers the fibers themselves actually contribute to the reduction in gas permeability as well as to the strength of the container, and thus achieve materials that have superior performance.
5. An important characteristic in bottles and containers for carbonated beverages is a property known as "creep." Creep is the dimensional change of a material over time, and in polyester bottles, creep can lead to a increase in gas permeability. Thus, the shelf life of materials packaged in higher creep materials is less.
6. Mori cites US Patent No. 3,733,309 as disclosing a biaxially-oriented bottle having reduced permeability to gases such as oxygen and carbon dioxide, and uses this same bottle with a surfactant coating. The bottles of the '309 patent (and thus of Mori) have creep properties which are substantially worse than the present bottles. In particular, the bottles of the '309 patent show creep of less than 5% after 90 days (Col. 16, line 71-Col. 18, line 1). In contrast, the bottles of the present invention have creep less than 3% after half a year, i.e. less creep in twice the time. (Application, ¶ 35)
7. Attached is a figure showing the difference in creep between bottles in accordance with the present invention made with 15% or 50% glass fibers in PBT, as compared to the creep in a non-oriented PBT measured at 80% relative humidity, 50 C and 16 MPa of internal pressure. The time is a logarithmic scale. After 28 hours (approximately 5 on the log time scale) the creep value for unfilled PBT is >4%, for 15% glass fibers it is about 0.8% and for 50% glass fibers it is about 0.2%.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

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or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such  
willful false statements may jeopardize the validity of the application or any patent issued thereon.

dated: October 13, 2005



Gerrit de Wit